



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,686	01/24/2001	Eric Edwards	80398.P361	5370

7590 10/19/2004

Maria McCormack Sobrino
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

DESIRE, GREGORY M

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,686

Applicant(s)

EDWARDS ET AL.

Examiner

Gregory M. Desire

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/24/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed 6/21/04.

Response to Arguments

2. Applicant's argues (remarks page 11 lines 4-6) Enomoto does not disclose forming an image template that contains both the correction intensity and a corrected image. This argument is not because it is the position of the examiner Enomoto does disclose an image template that contains both correction intensity and corrected image (note fig. 4, blocks 60 and 60a make up said template, wherein intensity establishing section is correction intensity and correction intensity storing subsection stores corrected images).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-3, 5-7, 10-12, 17-20, 22-24, 27-29, 34-37, 39-41, 44-46 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Enomoto (6,313,902).

Regarding claims 1, 12, 18, 29, 35 and 46 Enomoto discloses,

Art Unit: 2625

Forming an image template containing a first edited image (note fig. 4 block 60a, stores edited image) and a selected record of at least one image editing operation, said image editing operation having been performed on a first image (note fig. 4 block 60 and col. 21 lines 7-12, correction intensity establishing section is the template containing a selected record of image editing operation of an image) to obtain said first edited image (note col. 21 line, examiner interprets image output as print as first edited image);

Applying said image template to at least one second image (note col. 8 lines 58-62, input can be uses for plurality of input images)

Regarding claims 2, 19 and 36 Enomoto discloses,

Storing selected record of at least one image editing operation with first edited image in an image file (note col. 21 lines 17-22, correction information and output image can be stored).

Regarding claims 3, 20 and 37 Enomoto discloses,

Storing selected record at least one image editing operation in a storage file separate from said first edited image (note col. 21 lines 7-9 and 21-22, correction information is stored in memory separate from the outputted corrected image).

Regarding claims 5, 22 and 39 Enomoto discloses,

Art Unit: 2625

Image editing operation further comprises enhancing color characteristics of said first image (note col. 15 lines 30-36, sharpness correction enhances color characteristics).

Regarding claims 6, 23 and 40 Enomoto discloses,

Image editing operation further comprises modifying brightness characteristics of said first image (note col. 12 lines 23-30, cites a unit that adjust brightness).

Regarding claims 7, 24 and 41 Enomoto discloses,

Image editing operation further comprises modifying luminosity characteristics of said first image (note col. 15 lines 52-55, examiner interprets decreasing luminosity as modifying luminosity characteristics).

Regarding claims 10, 17, 27, 34, 44 and 51 Enomoto discloses,

Receiving said at least one image editing operation from a user (note col. 12 lines 39-40).

Regarding claims 11, 28 and 45 Enomoto discloses,

Retrieving an image from a database module and transmitting said first image to a user (note col. 21 lines 20-22, examiner interpret memory of large capacity as database module, operator can obtain (retrieve)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Rissman (6,552,743)

Regarding claims 4, 21 and 38 Enomoto is silent disclosing,

Image editing operation comprises cropping an image. However, Rissman includes cropping an image in editing operation (note col. 5 lines 36-39)

Therefore it would have been obvious to one having ordinary skills in the art to include cropping an image in an editing operation in the system of Enomoto as evidenced by Rissman. Enomoto reproduce images of photographed image and performs correction based on said image. Rissman in the same field of endeavor, system is inexpensive and efficient performing editing operations, which include cropping.

7. Claims 8-9, 25-26 and 42-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Suzuki (5,019,858).

Regarding claims 8, 25 and 42 Enomoto is silent disclosing,

Applying image effect on a first image. However, Suzuki applies image effect on a first image (note col. 2 lines 63-68).

Art Unit: 2625

Therefore it would have been obvious to one having ordinary skills in the art to apply image effects in the system of Enomoto as evidenced by Suzuki. Enomoto system reproduces image with color components. Suzuki in the same field of endeavor applies effects to color components separating and adjusting color components obtaining accurate correction quantities (note col. 2 lines 29-35).

Regarding claims 9, 26 and 43 Enomoto and Suzuki discloses,

Wherein said image effect is a filter (note col. 2 lines 63-68).

8. Claims 13-16, 30-33 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Katayama et al (5,982,951).

Regarding claims 13, 30 and 47 Enomoto is silent disclosing,

Combining said second edit image with said first image to form an output image. However, Katayama combines edited images to form an output note fig. 4 block 6 in connection with col. 4 lines 44-47, combines images to form an output single image).

Therefore it would have been obvious to one having ordinary skills in the art to combine images in the system of Enomoto as evidenced by Katayama. Enomoto produces first and second edited images. Katayama in the same field of endeavor teaches and efficient technique combining plurality of edited images such that boundaries are inconspicuous (note col. 1 lines 51-54).

Regarding claims 14, 31 and 48 Enomoto and Katayama discloses,

Art Unit: 2625

Transmitting said second edited image to a user (note Enomoto col. 21 lines 23-26, Reprint is transmitted to an operator).

Regarding claims 15, 32 and 49 Enomoto and Katayama discloses,

First edited image and second edited image further include a plurality of identical image characteristics (note Katayama col. 4 lines 25-30 and 40-44, lines cite identical and same characteristics such as color and position).

Regarding claims 16, 33 and 50 Enomoto and Katayama discloses,

Further comprising transmitting said output image to a user (note col. 12 lines 39-40).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2625

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2625

G.D.
October 16, 2004


BHAVESH MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600